

## **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed May 30, 2008. Reconsideration and allowance of the application and pending claims 1 and 3-20 are respectfully requested.

Claims 1, 3-21, 23-41, 43 and 44 are pending in the instant application. Claims 1, 3-21, 23-41, 43 and 44 have been rejected by the Examiner. Claims 2 and 21 – 44 have been canceled. Applicants submit that Claims 1 and 3-20 are in condition for allowance and respectfully request reconsideration and withdrawal of the outstanding rejections. No new matter has been entered.

### **I. Claim Rejections - 35 U.S.C. § 103(a)**

#### **A. Rejection of Claims**

Claims 1, 3-6, 21, 23-26, 41, 43 and 44 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Daniell et al.* (“*Daniell*,” U.S. Pat. App. No. 2004/0054736) in view of *Boyer et al.* (“*Boyer*,” U.S. Pat. No. 7,336,779). Applicants respectfully traverse these rejections.

Regarding Claim 1, the Examiner concedes that *Daniell* does not disclose “transmitting history data along with said instant message, said history data including communications exchanges previously conducted between said email recipient and said email sender; wherein said communications exchanges include at least one of: email messages; instant messages; and attachments,” as recited in Claim 1. The Examiner asserts that *Boyer* cures this deficiency, citing col. 10, line 65 - col. 11, line 3; col. 20, lines 54-56; col. 2, lines 33-35; and col. 16, lines 10-17. Contrary to the Examiner’s assertion, Applicants respectfully submit *Boyer* teaches, “[a] customer that is interested in the chat (or topical dynamic chat) but elects not to participate can request a transcript of that chat or information presented in the chat (or topical dynamic chat), which can be forwarded to him by any suitable technique, such as those set forth previously.” (*Boyer*, col 10, line 65 – col 11, line 3). Unlike the claimed history data, the *Boyer* transcript is sent to those that elect not to participate. Additionally, unlike the claimed history data, the *Boyer* transcript contains the current chat and not communications exchanges previously conducted. Claim 36 of *Boyer* is dependent upon Claim 25 of *Boyer*. Claim 25 of *Boyer* states, “connecting the plurality of customers in a

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multi-party session for servicing simultaneously to the resource having the first skill; and disabling during the multi-party session at least one of the plurality of customers from communicating with another customer and/or the resource”, while Claim 36 of *Boyer* states, “providing a transcript of the session to a customer”. Since there is no link establishing antecedent basis between “a customer” of *Boyer*’s Claim 36 and “the plurality of customers” of *Boyer*’s Claim 25, the most reasonable reading, particularly in light of the teachings of the specification, is that *Boyer*’s Claim 36 refers to “a customer” that was not participating in the “multi-party session” of *Boyer*’s Claim 25. Accordingly, for at least these reasons Applicants respectfully submit Claim 1 should be allowable since *Daniell*, in view of *Boyer* fails to teach or suggest all of the elements of Claim 1.

Since Claims 3-6 depend from Claim 1, Applicants respectfully submit that Claims 3-6 should be allowable for at least the same reason that Claim 1 is allowable.

Regarding Claims 21, 23-26, 41, 43 and 44, these claims have been canceled; therefore, the rejections are moot and should be withdrawn.

Claims 7-12, and 27-32 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Daniell*, in view of *Boyer*, and further in view of *Danon* (“*Danon*,” U.S. Pat. App. No. 2003/0110211) and *Davis et al.* (“*Davis*,” U.S. Pat. App. No. 2004/0158610). Applicants respectfully traverse these rejections.

As described in reference to Claim 1, *Daniell* in view of *Boyer* does not teach or suggest multiple elements of Claim 1. The addition of *Davis* does not cure this deficiency. Since Claims 7-12 depend from Claim 1, Applicants respectfully submit that Claims 7-12 should be allowable for at least the same reason that Claim 1 is allowable.

Regarding Claims 27-32, these claims have been canceled; therefore, the rejections are moot and should be withdrawn.

Claims 13 and 33 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Daniell*, in view of *Boyer*, and further in view of *Danon* (U.S. Pat. App. No. 2003/0110211). Applicants respectfully traverse these rejections.

As described in reference to Claim 1, *Daniell* in view of *Boyer* does not teach or suggest multiple elements of Claim 1. The addition of *Danon* does not cure this deficiency.

Since Claim 13 depends from Claim 1, Applicants respectfully submit that Claim 13 should be allowable for at least the same reason that Claim 1 is allowable.

Regarding Claim 33, this claim has been canceled; therefore, the rejection is moot and should be withdrawn.

Claims 14-18 and 34-38 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Daniell*, in view of *Boyer*, and further in view of *Atencio et al.* (“*Atencio*,” U.S. Pat. App. No. 2004/0210450). Applicants respectfully traverse these rejections.

As described in reference to Claim 1, *Daniell* in view of *Boyer* does not teach or suggest multiple elements of Claim 1. The addition of *Atencio* does not cure this deficiency. Since Claims 14-18 depend from Claim 1, Applicants respectfully submit that Claims 14-18 should be allowable for at least the same reason that Claim 1 is allowable.

Regarding Claims 34-38, these claims have been canceled; therefore, the rejections are moot and should be withdrawn.

Claims 19, 20 and 39 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Daniell*, in view of *Boyer*, and further in view of *Roskind* (“*Roskind*,” U.S. Pat. App. No. 2004/0128540). Applicants respectfully traverse these rejections.

As described in reference to Claim 1, *Daniell* in view of *Boyer* does not teach or suggest multiple elements of Claim 1. The addition of *Roskind* does not cure this deficiency. Since Claims 19 and 20 depend from Claim 1, Applicants respectfully submit that Claims 19 and 20 should be allowable for at least the same reason that Claim 1 is allowable.

Regarding Claim 39, this claim has been canceled; therefore, the rejection is moot and should be withdrawn.

Claim 40 has been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Daniell*, in view of *Boyer*, and further in view of *Roskind* and *Weiss* (“*Weiss*,” U.S. Pat. No. 6,930,598). Claim 40 has been canceled; therefore, the rejection is moot and should be withdrawn.

## **CONCLUSION**

Applicants are not conceding in this application that the original claims are not patentable over the art cited by the Examiner. Rather, the present claim cancellations are only for facilitating expeditious prosecution. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

It is believed that the foregoing remarks are fully responsive to the Office Action and that the claims herein should be allowable to the Applicants. In the event the Examiner has any queries regarding the instantly submitted response, the undersigned respectfully request the courtesy of a telephone conference to discuss any matters in need of attention.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 09-0457.

Respectfully submitted,  
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